



IFW

SZABO-205.2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Szabo, Andrew  
Serial No. : 10/728,743  
Filed : December 4, 2003  
For : GRAPHIC USER INTERFACE FOR DATABASE SYSTEM  
Group Art Unit : 2174  
Examiner : Steven Paul Sax  
Customer No. : 10037

---

January 5, 2007

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION

Sir:

In response to the notification dated December 27, 2006, which indicated that the refund requested in the amount of \$1,020 in the above-identified application had been denied,

Applicants respond as follows:

On October 9, 2006, Applicants requested a refund in the amount of \$1,020 based on the fact that the Office Action Summary, allegedly mailed on April 6, 2006, was never received. Applicant's undersigned attorneys included copies of their incoming mail log showing that no such correspondence was actually received.

Applicants were informed of the impending abandonment by a call from the Examiner, and responded immediately, paying a three month extension fee, which Applicants believe is undue under the circumstances.

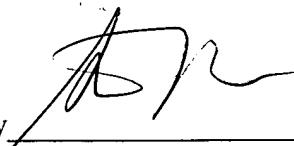
The Patent Office is believed to take the position that it was inconsistent for Applicants to both allege that no extension fees were due, and simultaneously request a refund of such payments. In fact, this was the only way that Applicant could be assured of consideration of Applicants response regardless of the decision on petition, which as provided, was denied summarily without due consideration of all facts.

Applicant's undersigned attorneys have indeed complied with recommended PTO policies regarding logging of incoming correspondence, and have no other means for verifying the absence of receipt of such correspondence.

On the other hand, the U.S. Patent and Trademark Office has presented no evidence that the Office Action was actually mailed, leaving only Applicant's certification and rebuttal of the presumption of mailing.

It is, therefore, respectfully requested that Applicants request for refund be reconsidered or a detailed statement of Patent Office policy regarding what evidence would be considered acceptable and sufficient under the circumstances, providing applicants a fair opportunity to comply with any such requirements.

Respectfully submitted,

By   
Steven M. Hoffberg  
Reg. No. 33,511

MILDE & HOFFBERG, LLP  
10 Bank Street - Suite 460  
White Plains, NY 10606  
(914) 949-3100